

ITEM #: _____

PREPARED BY: Brian S. Bacchus

MOVED BY: _____

APPROVED BY: _____

A JOINT RESOLUTION PURSUANT TO SECTION 9 OF THE ZONING ORDINANCE-REGULATIONS OF THE COUNTY OF SHELBY AND THE CITY OF MEMPHIS, TENNESSEE, GRANTING A SPECIAL USE PERMIT ON A LEASED AREA OF A TRACT OF LAND LOCATED AT THE NORTH SIDE OF BOLEN HUSE ROAD; +/-840 FEET WEST OF COLEMAN ROAD, KNOWN AS TOWER VENTURES V, LLC SPECIAL PERMIT, CASE NO. S. U. P. 09-206 CC

WHEREAS, Section 9 of the Zoning Ordinance-Regulations of the City of Memphis and Shelby County, being a section of the Joint Ordinance-Resolution No. 3064 dated October 6, 1980, authorized the Shelby County Board of Commissioners and the Memphis City Council to grant a Special Use Permit for certain stated purposes subject to standards of general applicability and any additional standards applicable to Special Use Permits in the various zoning districts outside of but within five miles of the Memphis City limits; and

WHEREAS, Application has been made by ***‘Tower Ventures V, LLC’*** for a Special Use Permit with respect to the property located at the ***‘north side of Bolen Huse Road; +/-840 feet west of Coleman Road’*** within the Single Family Residential(R-S10) District for the purpose of establishing a ***‘cell tower one-hundred ninety five(195’) feet in height with the ability to support six(6) sets of antennae arrays’***; and

WHEREAS, The Office of Planning and Development has reviewed the application in accordance with the Special Use Permit provisions of the Zoning Ordinance-Regulations and reported its findings and recommendations to the Land Use Control Board; and

WHEREAS, A public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on ***Thursday, May 14, 2009*** and said board has studied and reported its recommendation to the Board of Commissioners and the City Council regarding the following potential effects of granting the Special Use Permit on:

- A. The character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the public safety and general welfare;
- B. The compatibility of the existing buildings or uses within the immediate vicinity and the potential interference of said buildings or uses on the development or uses of adjacent property;
- C. The adequacy of public facilities including existing streets, parking, drainage, refuse disposal, fire protection, water and sewer or that such facilities will be provided;
- D. The destruction, loss or damage to features of significant natural, scenic or historic importance from the existing buildings or uses; and

WHEREAS, The Memphis and Shelby County Land Use Control Board and/or the Memphis and Shelby County Office of Planning and Development has recommended certain conditions be attached to the Special Use Permit to reduce any potential adverse impacts of the existing buildings or uses on the neighborhood, adjacent property owners, public facilities and significant natural, scenic or historic features; and

WHEREAS, The Memphis and Shelby County Land Use Control Board has also determined that the land use complies with all additional standards imposed on it by the particular provision of Section 9 authorizing such particular Special Use Permit.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE AND THE COUNCIL OF THE CITY OF MEMPHIS, That a Special Use Permit is granted for a ***‘cell tower one-hundred ninety five(195’) feet in height with the ability to support six(6) sets of antennae arrays’*** at the ***‘north side of Bolen Huse Road; +/- 840 feet west of Coleman Road’*** in accordance with the site plan incorporated in the application, and subject to the attached conditions, all within above mentioned Single Family Residential(R-S10) District.

BE IT FURTHER RESOLVED, That this Special Use Permit merely authorizes the filing of applications to acquire a Certificate of Use and Occupancy, or a Building Permit, and other required permits and approvals, provided that no such Certificate of Use and Occupancy shall be granted until all conditions imposed by the Board of Commissioners and the City Council have been met.

BE IT FURTHER RESOLVED, That this Resolution take effect from and after the date it shall have been passed by this Board of County Commissioners and by the Memphis City Council, and become effective as otherwise provided by law, and thereafter shall be treated as in full force and effect by virtue of the separate passage thereof by the Board of Commissioners of Shelby County, Tennessee, and the Council of the City of Memphis, the public welfare requiring same.

A C Wharton, Jr., County Mayor

Date: _____

ATTEST:

Clerk of the County Commission

ADOPTED: _____

S.U.P. 09-206 CC
Tower Ventures V, LLC Special Permit

SITE PLAN CONDITIONS:

A **Special Use Permit** is hereby authorized to **'Tower Ventures V, LLC'** to allow a **'CMCS communications tower one-hundred ninety-five(195') feet in height'** on property located at the **'north side of Bolen Huse Road; +/-840 feet west of Coleman Road'** in accordance with an approved **'site plan'** and the following supplemental conditions:

- I. Uses Permitted: A CMCS communications tower one-hundred ninety-five(195') feet in height with the ability to support six(6) sets of antennae arrays.
- II. Bulk Regulations:
 - A. The setback from Bolen Huse Road shall be a minimum distance of 800 feet from tower centerline.
 - B. The setback from the west property line shall be a distance of 85 feet from tower centerline.
- III. Access & Circulation:
 - A. The design and location of curb cuts shall be subject to review and approval by County Engineer.
 - B. The private drive shall be constructed to provide a curvilinear design a minimum width of twenty-two(22) feet of pavement.
 - C. A gate with fencing and bollards shall be provided at the private drive entrance for unauthorized personnel.
- IV. Landscaping and Screening:
 - A. All landscaping and screening shall be in accordance with the 'Landscape Plan' and installed prior to launch and operation of the tower and equipment.
 - B. Required landscaping shall not be placed on or under any utility easement.
- V. Signs:
 - A. No signs shall be allowed, except for the necessary decal sign for displaying the name, address and phone numbers of the owner and operators of the facilities. The decals shall be placed on and outside the fence.
 - B. No temporary or portable signs shall be permitted.
- VI. A CMCS communications tower one-hundred ninety-five(195) feet in height shall be allowed with the ability to support six(6) sets of antennae arrays for the above mentioned user and maintained in accordance with site plan conditions subject to administrative site plan review and approval and no zoning violations.